

1 John M. Kim (Bar No. 188997)
2 jkim@ipla.com
3 Benjamin S. White (Bar No. 279796)
4 bwhite@ipla.com
5 Phillip L. Kim (Bar No. 315589)
6 pkim@ipla.com
7 **IPLA, LLP**
8 4445 Eastgate Mall, Suite 200
9 San Diego, CA 92121
10 Tel: 858-272-0220
11 Fax: 858-272-0221

12 Attorneys for Plaintiff
13 BACKCOUNTRY.COM, LLC

14 **UNITED STATES DISTRICT COURT**
15 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

16 BACKCOUNTRY.COM, LLC, a
17 Delaware Limited Liability Company,

18 Plaintiff,

19 v.

20 SNAPPERHEAD INVENTIONS, LLC,
21 a Michigan Limited Liability Company,
22 DAVID OLLILA, an Individual,

23 Defendant.

CASE NO: '19CV1727 BEN JLB

COMPLAINT FOR:

- (1) **TRADEMARK INFRINGEMENT UNDER 15 U.S.C. § 1114(1);**
- (2) **FEDERAL UNFAIR COMPETITION UNDER 15 U.S.C. § 1125(a);**
- (3) **FEDERAL TRADEMARK DILUTION UNDER 15 U.S.C. § 1125(c);**
- (4) **VIOLATION OF CAL. BUS. & PROF. CODE § 17200;**
- (5) **STATE COMMON LAW TRADEMARK INFRINGEMENT;**
- (6) **COMMON LAW UNFAIR COMPETITION; AND**
- (7) **CANCELLATION OF TRADEMARK (U.S. REG. NO. 4303504)**

DEMAND FOR JURY TRIAL

24 Plaintiff Backcountry.com, LLC ("Backcountry") brings this Complaint
25 against Defendants Snapperhead Inventions, LLC ("Snapperhead") and David Ollila

1 (“Mr. Ollila”) for injunctive relief and damages under the laws of the United States
2 and the State of California.

3 NATURE OF THE CASE

4 1. This is an action for violation of the Lanham Act, 15 U.S.C. §§ 1114(1),
5 1125(a), 1125(c), violation of the California statutory law of unfair competition, Cal.
6 Bus. & Prof. Code § 17200, and California common law trademark infringement,
7 passing off, and unfair competition.

8 THE PARTIES

9 2. Backcountry is a Delaware limited liability company with its principal
10 place of business in Park City, Utah.

11 3. On information and belief, Defendant Snapperhead is a Michigan
12 limited liability company with a principal place of business in Marquette, Michigan.

13 4. On information and belief, Defendant Mr. Ollila is an individual
14 residing in Linden, Michigan.

15 5. Defendants Snapperhead and Mr. Ollila are hereinafter collectively
16 referred to as “Defendants”.

17 6. On information and belief, the actions alleged herein have been
18 undertaken by Defendants, were undertaken by each Defendant individually, were
19 actions that each Defendant caused to occur, authorized, controlled, directed, or had
20 the ability to authorize, control, or direct, and/or were actions in which each
21 Defendant assisted, participated, or otherwise encouraged, and are actions for which
22 each Defendant is liable. Each Defendant aided and abetted the actions of the
23 Defendants set forth below, in that each Defendant had knowledge of those actions,
24 provided assistance and benefitted from those actions, in whole or in part. Each of
25 the Defendants was the agent of each of the remaining Defendants, and in doing the
26 things hereinafter alleged, was acting within the course and scope of such agency and
27 with the permission and consent of each and every one of the other Defendants.

JURISDICTION AND VENUE

7. This action arises under the trademark laws of the United States, 15 U.S.C. § 1051, *et seq.*, particularly under 15 U.S.C. §§ 1114 and 1125, as well as state unfair competition law and the common law of trademark infringement, passing off, and unfair competition. This Court has jurisdiction over the federal claims under 28 U.S.C. §§ 1331 and 1338, and 15 U.S.C. §§ 1116, 1121, and 1125. This Court has supplemental jurisdiction over the state law claims under 28 U.S.C. §§ 1367(a) and 1338(b), those claims being joined with a substantial and related claim under the trademark laws of the United States and so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative fact.

8. This Court has personal jurisdiction over Defendants because Defendants actively market and sell ski goods in the State of California and in this judicial district that bear the infringing trademarks at issues in this case. Further, as detailed below, Defendants actively market and/or sell their skis through their websites www.marquette-backcountry.com and www.snapperhead-inventions.com as well as their Facebook page. All the aforementioned websites are accessible from this judicial district, and on information and belief, have been accessed by consumers located in this judicial district.

9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) because a substantial part of the events and/or omissions giving rise to the claims occurred in this judicial district and Defendants are otherwise subject to the Court's personal jurisdiction with respect to this action.

FACTUAL ALLEGATIONS

Backcountry's Trademark Rights


10. Backcountry is a prominent and well-known retailer and manufacturer of a wide variety of outdoor products, sporting goods, ski products, cycling gear, apparel, and related goods.

11. Backcountry has used its BACKCOUNTRY and BACKCOUNTRY-formative trademarks, or marks so similar that they have the same commercial impression (collectively, the “Backcountry Marks”), in connection with the retail sale of a wide variety of outdoor products, sporting goods, ski products, cycling gear, apparel, and related goods since at least as early as 1996 (the “Backcountry Services”).

12. Since at least as early as 2004, Backcountry has manufactured, distributed, and sold outdoor products, sporting goods, apparel, and related goods under the Backcountry Marks (the “Backcountry Goods”). Hereinafter, the Backcountry Goods and Backcountry Services will be referred to collectively as the “Backcountry Goods and Services.”

13. In addition to its common law rights in the Backcountry Marks, Backcountry owns valid and subsisting trademark applications and registrations for the Backcountry Marks in the United States and worldwide. In particular, Backcountry owns the following relevant US trademark registrations (the “Backcountry Registrations”):

MARK	REG. DATE	GOODS/SERVICES
 US Reg. No.: 3219427	Mar 20, 2007	Class 35: [Retail store services, mail order services, and] computerized on-line retail store services featuring men's and women's clothing, headwear, footwear, outerwear, eyewear, heart rate monitors, altimeters and accessories, namely, watches and compasses, tote bags, ski equipment, namely, skis, ski boots, ski helmets, ski goggles, ski poles, snowboard equipment, namely, snowboards, snowboard bindings, snowboard boots, snowboard helmets, snowboard gloves, snowshoes, avalanche safety equipment, namely, avalanche probes, avalanche beacons, and avalanche shovels, other winter accessories, namely, tents, sleeping bags, and sleeping pads, kayaks, canoes, paddles, and related accessories, namely, spray skirts for kayaks, life jackets, dry bags, wall racks for hanging canoes and

		kayaks, and back rests, camping, hiking, and mountain climbing equipment, namely, climbing harnesses, climbing helmets, bags for storing and hauling climbing ropes, belay and rappel devices, rock-climbing shoes, climbing ropes, carabiners, and chalk and chalk bags for rock-climbing, food and accessories, namely, water purifiers, coolers and bags for food storage, pots, pans, bowls, and eating utensils, luggage and equipment car racks and related accessories, namely, adaptors and attachments for mounting the racks; the dissemination of advertising for others via an on-line electronic communication network; and promoting the goods and services of others by preparing and placing advertisements on a web site access through a global computer network
 backcountry US Reg. No.: 3243545	May 22, 2007	Class 35: Retail store services, mail order services, and computerized on-line retail store services featuring men's and women's clothing, headwear, footwear, outerwear, eyewear, heart rate monitors, altimeters and accessories, tote bags, ski and snowboard equipment, snowshoes, avalanche safety, and other winter accessories, kayaks, canoes, paddles and related accessories, camping, hiking and mountain climbing equipment, food and hiking accessories, luggage, luggage and equipment car racks and related accessories; dissemination of advertising for others via an on-line electronic communication network; and promoting the goods and services of others by preparing and placing advertisements on a web site access through a global computer network
BACKCOUNTRY US Reg. No.: 4788204	Aug 11, 2015	Class 35: Retail store services, mail order services, and computerized on-line retail store services featuring men's and women's clothing, headwear, footwear, outerwear, eyewear, heart rate monitors, altimeters and accessories, tote bags, ski and snowboard equipment, snowshoes, avalanche safety, and other winter accessories, kayaks, canoes, paddles and related accessories, camping, hiking and mountain climbing equipment, food and hiking accessories, luggage, luggage and equipment car racks and related

		accessories; dissemination of advertising for others via an on-line electronic communication network; and promoting the goods and services of others by preparing and placing advertisements on a web site access through a global computer network.
--	--	--

14. True and correct copies of the registrations for the above-listed marks are attached hereto and incorporated herein as Exhibit A.

15. As a result of the Backcountry Registrations and continuous use of the Backcountry Marks in connection with the Backcountry Goods and Services, Backcountry owns valid and subsisting federal and common law rights in the Backcountry Marks.

16. Backcountry has invested substantial time, money, and resources in marketing, advertising, and promoting the Backcountry Goods and Services under the Backcountry Marks, and as thereby developed extensive recognition and valuable goodwill in its Backcountry Marks.

17. As a result of widespread use and promotion, the BACKCOUNTRY mark is famous among the general consuming public.


Defendants' Business & Infringement

18. Defendant Snapperhead manufactures and sells skis.

19. On information and belief, Defendant Mr. Ollila is the sole Member of Snapperhead and is solely responsible for its operation.


20. Defendants own and operate the websites www.marquette-backcountry.com and www.snapperhead-inventions.com (the "Snapperhead Websites"), which are used to market and sell skis as well as related goods and services (collectively, the Snapperhead Goods and Services"). Attached hereto as Exhibit B are true and correct copies of screenshots of the Snapperhead Websites.

1 21. On information and belief, Mr. Ollila individually owns and/or operates
2 the Facebook page that markets and promotes Snapperhead and the Snapperhead
3 Goods and Services.

4 22. Defendants are using the trademarks MARQUETTE
5 BACKCOUNTRY,  (MARQUETTE BACKCOUNTRY &
6 Design), and/or marks so similar that they have the same commercial impression (the
7 “Infringing Marks”), in connection with the advertising, promotion, and sale of the
8 Snapperhead Goods and Services in the United States and within this judicial district.

9 23. Defendants registered/purchased the www.marquette-backcountry.com
10 and www.snapperhead-inventions.com domains on March 25, 2010 and December
11 18, 2009, respectively.

12 24. Snapperhead was incorporated in Michigan on January 8, 2010.

13 25. On or around March 9, 2011, Snapperhead filed a federal trademark
14 application for  with the United States Patent and Trademark
15 Office (“USPTO”) for Class 28 “Sporting goods for outdoor activities; namely,
16 Backcountry Travel and Expedition Equipment, Skis, Watercraft, Watersport Paddle
17 Boards, and Accessories for Recreational Use, Locomotion, Transportation, Outdoor
18 Survival, and Adventure Travel.”

19 26. On or around March 19, 2013, Snapperhead’s application finally
20 registered (US. Reg. No. 4303504) after being required to disclaim the terms
21 “MARQUETTE” and “BACKCOUNTRY,” and amend its description of goods to
22 Class 28 “Sporting Goods For Outdoor Activities, Namely, Skis, Ski Poles, And
23 Nordic Walking Poles” (the “Snapperhead Registration”).

24 27. On or around October 15, 2018, Backcountry filed a Petition for
25 Cancellation against the Snapperhead Registration (TTAB Cancellation No.
26 92069773). This matter is still pending.

28. Defendants adopted and began using the Infringing Marks with knowledge of Backcountry's business, the Backcountry Marks, the Backcountry Registrations, and the Backcountry Goods and Services.

29. On information and belief, Defendants' earliest use of the Infringing Marks was after Backcountry had established its trademark rights in the Backcountry Marks in connection with the Backcountry Goods and Services.

30. Defendant Ollila has purchased goods from Backcountry at least as early as September 2002, and as recently as February 2010.

31. Backcountry's trademark rights by virtue of the use of its Backcountry Marks since at least as early as 1996 are senior to any rights that the Defendants may allege to have in the Infringing Marks.

32. Backcountry has not authorized any of the Defendants to use the Infringing Marks or any similar variations.

33. Despite Backcountry's demands, Defendants have continued to use the Infringing Marks.

FIRST CAUSE OF ACTION

(Federal Trademark Infringement – 15 U.S.C. § 1114(1))

34. Backcountry repeats, realleges, and incorporates by reference Paragraphs 1 through 33 as though fully set forth herein

35. Backcountry's trademark rights are senior to any rights that the Defendants may allege to have in the Infringing Marks because the Defendants did not use the Infringing Marks in commerce prior to the filing dates and first dates of use of the Backcountry Registrations and Backcountry Marks.

36. Defendants' unauthorized use of the Infringing Marks in interstate commerce in connection with the Snapperhead Goods and Services constitutes trademark infringement in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

1 37. Defendants' Infringing Marks are nearly identical to the Backcountry
2 Marks since they share the dominant word "BACKCOUNTRY," and the term
3 "MARQUETTE" is primarily geographically descriptive of the origin of the
4 Snapperhead Goods and Services.

5 38. Furthermore, the Snapperhead Goods and Services are identical or
6 highly related to the Backcountry Goods and Services protected under the
7 Backcountry Registrations.

8 39. Defendants' use of the Infringing Marks in interstate commerce is likely
9 to cause confusion, or to cause mistake, or to deceive consumers of the Snapperhead
10 Goods and Services and the Backcountry Goods and Services, who are likely to
11 believe erroneously that the Snapperhead Goods and Services originate from the
12 same source as the Backcountry Goods and Services, or are otherwise affiliated,
13 connected, or associated with Backcountry, or sponsored or approved by
14 Backcountry.

15 40. Defendants have knowingly and willfully infringed Backcountry's
16 trademark rights with the express intent to trade on the substantial goodwill in the
17 Backcountry Marks.

18 41. Mr. Ollila is personally liable for these violations of the Lanham Act
19 since he has directed, controlled, ratified, participated in, and is the moving force
20 behind the improper activity alleged under the First Cause of Action, and on
21 information and belief, is the sole owner and employee of Snapperhead and has
22 commingled Snapperhead and personal funds and assets.

23 42. Backcountry has no adequate remedy at law. Defendants' conduct as
24 alleged herein has caused and, if not enjoined, will continue to cause irreparable harm
25 to Backcountry's rights in the Backcountry Marks and Backcountry Registrations
26 and to its business reputation and goodwill, as well as damages in an amount that
27 cannot be accurately computed at this time, but will be proven at trial.

43. By reason of the foregoing, Backcountry asserts a claim against Defendants for injunctive and monetary relief pursuant to Sections 32, 34, and 35 of the Lanham Act, 15 U.S.C. §§ 1114, 1116, and 1117.

SECOND CAUSE OF ACTION

(Federal Unfair Competition - 15 U.S.C. § 1125(a))

44. Backcountry repeats, realleges, and incorporates by reference Paragraphs 1 through 43 as though fully set forth herein.

45. Backcountry's trademark rights are senior to any rights that the Defendants may allege to have in the Infringing Marks because Backcountry owns common law trademark rights in the Backcountry Marks in connection with goods and services that are highly similar to the Snapperhead Goods and Services, that predate the Defendants' first use date of, and any other rights they have in, the Infringing Marks.

46. Defendants' use of the Infringing Marks in interstate commerce, in connection with the Snapperhead Goods and Services, constitutes trademark infringement and unfair competition against Backcountry's rights in the Backcountry Marks pursuant to 15 U.S.C. § 1125(a)(1)(A).

47. Defendants' Infringing Marks are nearly identical to the Backcountry Marks since they share the dominant word "BACKCOUNTRY," and the term "MARQUETTE" is primarily geographically descriptive of the origin of the Snapperhead Goods and Services.

48. Furthermore, the Snapperhead Goods and Services are identical or highly related to the Backcountry Goods and Services protected under the Backcountry Registrations.

49. Defendants' use of the Infringing Marks in interstate commerce is likely to cause confusion, or to cause mistake, or to deceive consumers of the Snapperhead Goods and Services and the Backcountry Goods and Services, who are likely to believe erroneously that the Snapperhead Goods and Services originate from the

1 same source as the Backcountry Goods and Services, or are otherwise affiliated,
 2 connected, or associated with Backcountry, or sponsored or approved by
 3 Backcountry.

4 50. Defendants have knowingly and willfully infringed Backcountry's
 5 trademark rights with the express intent to trade on the substantial goodwill in the
 6 Backcountry Marks.

7 51. Mr. Ollila is personally liable for these violations of the Lanham Act
 8 since he has directed, controlled, ratified, participated in, and is the moving force
 9 behind the improper activity alleged under the Second Cause of Action, and on
 10 information and belief, is the sole owner and employee of Snapperhead and has
 11 commingled Snapperhead and personal funds and assets.

12 52. Backcountry has no adequate remedy at law. Defendants' conduct as
 13 alleged herein has caused and, if not enjoined, will continue to cause irreparable harm
 14 to Backcountry's rights in the Backcountry Marks and to its business reputation and
 15 goodwill, as well as damages in an amount that cannot be accurately computed at this
 16 time, but will be proven at trial.

17 53. By reason of the foregoing, Backcountry is entitled to damages and
 18 injunctive relief against the Defendants.

19 **THIRD CAUSE OF ACTION**

20 **(Federal Trademark Dilution in Violation of 15 U.S.C. §1125(c))**

21 54. Backcountry repeats, realleges, and incorporates by reference
 22 Paragraphs 1 through 53 as though fully set forth herein.

23 55. The Backcountry Goods and Services offered under the Backcountry
 24 Marks have been used and/or consumed by millions of people and have been the
 25 subject of significant third-party media coverage, extensive sales, advertising, and
 26 promotion. Specifically, Backcountry's BACKCOUNTRY mark is famous among
 27 the general consuming public and became famous before Defendants' first use of the
 28 Infringing Marks. As a result, Defendants' use of the Infringing Marks causes, or will

1 likely cause, dilution of the distinctive quality of the BACKCOUNTRY mark with
2 consequent damage to Backcountry and the public.

3 56. Defendants' conduct alleged herein has been undertaken willfully and
4 maliciously, and with full knowledge and intent to trade on the goodwill in the
5 BACKCOUNTRY mark.

6 57. Mr. Ollila is personally liable for these violations of the Lanham Act
7 since he has directed, controlled, ratified, participated in, and is the moving force
8 behind the improper activity alleged under the Third Cause of Action, and on
9 information and belief, is the sole owner and employee of Snapperhead and has
10 commingled Snapperhead and personal funds and assets.

11 58. By reason of the foregoing, Backcountry is entitled to damages and
12 injunctive relief against Defendants.

13 **FOURTH CAUSE OF ACTION**

14 **(California Statutory Unfair Competition –**

15 **Cal. Bus. & Prof. Code § 17200, *et seq.*)**

16 59. Backcountry realleges and incorporates by reference Paragraphs 1
17 through 58 as though fully set forth herein.

18 60. Defendants are making unauthorized commercial uses of Defendants'
19 Infringing Marks, and each of them, in a deliberate, willful, intentional, and wrongful
20 attempt to trade on Backcountry's goodwill, reputation, and financial investments in
21 the Backcountry Marks.

22 61. By reason of Defendants' conduct as alleged herein, Defendants have
23 engaged in unlawful, unfair, and/or fraudulent ongoing business practices in violation
24 of Cal. Bus. & Prof. Code § 17200, *et seq.*

25 62. As a direct result of Defendants' unfair competition with regard to
26 Defendants' Infringing Marks, and each of them, Defendants have unlawfully
27 acquired, and continue to acquire on an ongoing basis, an unfair competitive
28

1 advantage and have engaged in, and continue to engage in, wrongful business
2 conduct to Defendants' monetary advantage and to the detriment of Backcountry.

3 63. Defendants' conduct as alleged herein has been undertaken willfully and
4 maliciously, and with full knowledge and in conscious disregard of Backcountry's
5 rights in the Backcountry Marks and Backcountry Registrations.

6 64. Mr. Ollila is personally liable for these violations of the Lanham Act
7 since he has directed, controlled, ratified, participated in, and is the moving force
8 behind the improper activity alleged under the Fourth Cause of Action, and on
9 information and belief, is the sole owner and employee of Snapperhead and has
10 commingled Snapperhead and personal funds and assets.

11 65. Defendants' illegal and unfair business practices are continuing, and
12 injunctive relief pursuant to Cal. Bus. & Prof. Code § 17203 is necessary to prevent
13 and restrain further violations by Defendants.

14 66. This Court has jurisdiction over the subject matter of this claim pursuant
15 to the provisions of 28 U.S.C. § 1338(b), this being a claim of unfair competition
16 joined with a substantial and related claim under the trademark laws of the United
17 States, and under 28 U.S.C. § 1367.

18 **FIFTH CAUSE OF ACTION**

19 **(Common Law Trademark Infringement)**

20 67. Backcountry realleges and incorporates by reference Paragraphs 1
21 through 66 as though fully set forth herein.

22 68. Defendants' unauthorized use of Defendants' Infringing Marks, and
23 each of them, constitutes trademark infringement and is likely to cause confusion,
24 deception, and mistake among the consuming public as to the source of, and
25 authorization for, Defendants' Goods and Services sold and/or advertised by
26 Defendants in violation of the common law of the State of California.

27 69. Defendants' conduct as alleged herein has been undertaken willfully and
28 maliciously, and with full knowledge of Backcountry's rights.

1 70. Mr. Ollila is personally liable for these violations of the Lanham Act
2 since he has directed, controlled, ratified, participated in, and is the moving force
3 behind the improper activity alleged under the Fifth Cause of Action, and on
4 information and belief, is the sole owner and employee of Snapperhead and has
5 commingled Snapperhead and personal funds and assets.

6 71. As well as harming the public, Defendants' conduct as alleged herein
7 has caused and will continue to cause Backcountry irreparable harm for which there
8 is no adequate remedy at law, and is also causing damage to Backcountry in an
9 amount which cannot be accurately computed at this time but will be proven at trial.

10 72. This Court has jurisdiction over the subject matter of this claim pursuant
11 to the provisions of 28 U.S.C. § 1338(b), this being a claim of infringement joined
12 with a substantial and related claim under the Trademark Laws of the United States,
13 and under 28 U.S.C. § 1367.

14 **SIXTH CAUSE OF ACTION**

15 **(California Common Law Passing Off and Unfair Competition)**

16 73. Backcountry realleges and incorporates by reference Paragraphs 1
17 through 72 as though fully set forth herein.

18 74. By virtue of their conduct as alleged herein, Defendants have engaged
19 and are engaging in passing off and unfair competition under the common law of the
20 State of California.

21 75. Mr. Ollila is personally liable for these violations of the Lanham Act
22 since he has directed, controlled, ratified, participated in, and is the moving force
23 behind the improper activity alleged under the Sixth Cause of Action, and on
24 information and belief, is the sole owner and employee of Snapperhead and has
25 commingled Snapperhead and personal funds and assets.

26 76. As well as harming the public, Defendants' conduct as alleged herein
27 has caused and will continue to cause Backcountry irreparable harm for which there
28 is no adequate remedy at law, and is also causing damage to Backcountry in an

1 amount which cannot be accurately computed at this time but will be proven at trial.

2 77. Defendants' actions were undertaken intentionally to obtain an unfair
3 advantage over Backcountry and in conscious disregard of Backcountry's rights, and
4 were malicious, oppressive, and/or fraudulent.

5 78. Backcountry requests punitive or exemplary damages pursuant to
6 California Civil Code § 3294(a) in an amount sufficient to punish and deter
7 Defendants and to make an example of them.

8 79. This Court has jurisdiction over the subject matter of this claim pursuant
9 to the provisions of 28 U.S.C. § 1338(b), this being a claim of passing off and unfair
10 competition joined with a substantial and related claim under the Trademark Laws of
11 the United States, and under 28 U.S.C. § 1367.

12 **SEVENTH CAUSE OF ACTION**

13 **(Cancellation of Registration)**

14 80. Backcountry realleges and incorporates by reference Paragraphs 1
15 through 79 as though fully set forth herein.

16 81. Snapperhead is the owner of record for the Snapperhead Registration
17 (U.S. Reg. No. 4303504) on the Principal Register in connection with "Sporting
18 Goods For Outdoor Activities, Namely, Skis, Ski Poles, And Nordic Walking
19 Poles" in International Class 28.

20 82. On information and belief, Snapperhead has been offering the
21 Snapperhead Goods and Services since as early as November 16, 2010.

22 83. On March 9, 2011, Mr. Jeffrey P. Thennisch ("Mr. Thennisch"),
23 Attorney of Record for the Snapperhead Registration, signed the following
24 declaration on behalf of Snapperhead:

25 The undersigned, being hereby warned that willful false statements and
26 the like so made are punishable by fine or imprisonment, or both, under
27 18 U.S.C. Section 1001, and that such willful false statements, and the
28 like, may jeopardize the validity of the application or any resulting
registration, declares that he/she is properly authorized to execute this
application on behalf of the applicant; he/she believes the applicant to
be the owner of the trademark/service mark sought to be registered, or,

1 if the application is being filed under 15 U.S.C. Section 1051(b), he/she
2 believes applicant to be entitled to use such mark in commerce; to the
3 best of his/her knowledge and belief no other person, firm, corporation,
4 or association has the right to use the mark in commerce, either in the
5 identical form thereof or in such near resemblance thereto as to be
likely, when used on or in connection with the goods/services of such
other person, to cause confusion, or to cause mistake, or to deceive; and
that all statements made of his/her own knowledge are true; and that all
statements made on information and belief are believed to be true.

6
7 84. On or before March 9, 2011, Snapperhead knew that Backcountry was
8 using and had used its Backcountry Marks in connection with goods that were
9 identical or highly related to the Snapperhead Goods and Services.

10 85. Mr. Ollila, the sole owner and employee of Snapperhead, purchased
11 goods related to the Snapperhead Goods and Services from Backcountry that featured
12 the Backcountry Marks at least as early as September 2002, and as recently as
13 February 2010, which is approximately nine months prior to the alleged first use date
14 indicated in the Snapperhead Registration.

15 86. When Mr. Thennisch executed the declaration filed on March 9, 2011
16 on behalf of Snapperhead, he was an authorized representative of Snapperhead and
17 shared in the duty to ensure the accuracy of the application and the truth of its
18 statements.


19 87. Since Mr. Ollila, and by extension Snapperhead, knew that Backcountry
20 was using the Backcountry Marks in connection with goods that were identical or
21 highly related to the Snapperhead Goods and Services, Snapperhead knew that
22 another person or firm had the right to use the Infringing Marks, or marks with such
23 resemblance thereto, as to be likely to cause confusion.

24 88. By declaring to the contrary in the declaration in support of the
25 Snapperhead Registration, Snapperhead made a knowing and intentionally false
26 statement.

27 89. Snapperhead made this false statement with the intent to deceive the
28 USPTO in order to procure its Snapperhead Registration.

Defendants are sponsored, approved, or licensed by Backcountry, or are in any way connected or affiliated with Backcountry;

- iv. Affixing, applying, annexing, or using in connection with the manufacture, distribution, advertising, sale, and/or offering for sale or other use of any goods or services, a false description or representation, including words or other symbols, tending to falsely describe or represent such goods or services as being those of Backcountry, including without limitation the Backcountry Marks;
- v. Otherwise competing unfairly with Backcountry in any matter; and
- vi. Effecting assignments or transfers, forming new entities or associations, or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (i)-(v) above.

C. That the Court cancel Snapperhead's United States Registration No. 4303504 for  (MARQUETTE BACKCOUNTRY & Design), on the Principal Register;

D. That the Court enter a finding that Defendants' actions were willful, deliberate, and malicious;

E. That the Court award Backcountry damages in accordance with applicable law, including without limitation three times the amount of any and all profits realized by Defendants from the use of the Infringing Marks in accordance with 15 U.S.C. § 1117(a);

F. That the Court award Backcountry punitive damages in an amount sufficient to punish and deter Defendants;

G. That the Court find that this is an exceptional case and award Backcountry its reasonable attorneys' fees and costs of suit pursuant to 15 U.S.C. § 1117(a) and/or California law;

1 H. That the Court retain jurisdiction of this action for the purpose of
2 enabling Backcountry to apply to the Court at any time for such further orders and
3 interpretation or execution of any order entered in this action, for the modification of
4 any such order, for the enforcement or compliance therewith, and for the punishment
5 of any violations thereof; and

6 I. For such other and further relief as the Court may deem just and
7 equitable.

8 **JURY DEMAND**

9 Pursuant to Fed. R. Civ. P. 38, Backcountry hereby demands a trial
10 by jury. Dated: September 10, 2019

11 Respectfully submitted,

12 s/ John M. Kim

13 Attorney for Plaintiff Backcountry.com, LLC

14 E-mail: jkim@ipla.com
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

19CV1727 BEN JLB

I. (a) PLAINTIFFS

Backcountry.com, LLC, a Delaware Limited Liability Company

(b) County of Residence of First Listed Plaintiff Summit County, UT

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

John M. Kim, Benjamin S. White, Phillip L. Kim
IPLA LLP, 4445 Eastgate Mall, Suite 200, San Diego, CA 92121
(858) 272-0220**DEFENDANTS**Snapperhead Inventions, LLC, a Michigan Limited Liability Company,
David Ollila, an Individual.County of Residence of First Listed Defendant Marquette County, MI

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Jeffrey Thennisch
LKGLOBAL, 1050 Wilshire Drive, Suite 230, Troy, MI 48084
(480) 361-0473**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. § 1114(1); 15 U.S.C. § 1125(a); 15 U.S.C. § 1125(c)

Brief description of cause:

Trademark Infringement, Trademark Dilution; Unfair Competition

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$
UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/10/2019

SIGNATURE OF ATTORNEY OF RECORD

/John M. Kim/

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Print

Save As...

Reset

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Exhibit A

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,219,427

United States Patent and Trademark Office

Registered Mar. 20, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

backcountry.com
➤ OUTLET

BACKCOUNTRY.COM (UTAH CORPORATION)
SUITE 210
1678 WEST REDSTONE CENTER DRIVE
PARK CITY, UT 84098

FOR: RETAIL STORE SERVICES, MAIL ORDER SERVICES, AND COMPUTERIZED ON-LINE RETAIL STORE SERVICES FEATURING MEN'S AND WOMEN'S CLOTHING, HEADWEAR, FOOTWEAR, OUTERWEAR, EYEWEAR, HEART RATE MONITORS, ALTIMETERS AND ACCESSORIES, NAMELY, WATCHES AND COMPASSES, TOTE BAGS, SKI EQUIPMENT, NAMELY, SKIS, SKI BOOTS, SKI HELMETS, SKI GOGGLES, SKI POLES, SNOWBOARD EQUIPMENT, NAMELY, SNOWBOARDS, SNOWBOARD BINDINGS, SNOWBOARD BOOTS, SNOWBOARD HELMETS, SNOWBOARD GLOVES, SNOWSHOES, AVALANCHE SAFETY EQUIPMENT, NAMELY, AVALANCHE PROBES, AVALANCHE BEACONS, AND AVALANCHE SHOVELS, OTHER WINTER ACCESSORIES, NAMELY, TENTS, SLEEPING BAGS, AND SLEEPING PADS, KAYAKS, CANOES, PADDLES, AND RELATED ACCESSORIES, NAMELY, SPRAY SKIRTS FOR KAYAKS, LIFE JACKETS, DRY BAGS, WALL RACKS FOR HANGING CANOES AND KAYAKS, AND BACK RESTS, CAMPING, HIKING, AND MOUNTAIN CLIMBING EQUIPMENT, NAMELY, CLIMBING HARNESES, CLIMBING HELMETS, BAGS FOR STORING AND HAULING CLIMBING ROPES, BELAY AND RAP-

PEL DEVICES, ROCK-CLIMBING SHOES, CLIMBING ROPES, CARABINERS, AND CHALK AND CHALK BAGS FOR ROCK-CLIMBING, FOOD AND ACCESSORIES, NAMELY, WATER PURIFIERS, COOLERS AND BAGS FOR FOOD STORAGE, POTS, PANS, BOWLS, AND EATING UTENSILS, LUGGAGE AND EQUIPMENT CAR RACKS AND RELATED ACCESSORIES, NAMELY, ADAPTORS AND ATTACHMENTS FOR MOUNTING THE RACKS; THE DISSEMINATION OF ADVERTISING FOR OTHERS VIA AN ON-LINE ELECTRONIC COMMUNICATION NETWORK; AND PROMOTING THE GOODS AND SERVICES OF OTHERS BY PREPARING AND PLACING ADVERTISEMENTS ON A WEB SITE ACCESS THROUGH A GLOBAL COMPUTER NETWORK, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-1-2005; IN COMMERCE 2-1-2005.

OWNER OF U.S. REG. NOS. 2,380,773 AND 2,895,548.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OUTLET", APART FROM THE MARK AS SHOWN.

SER. NO. 78-587,938, FILED 3-15-2005.

JULIE GUTTADAURO, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,243,545

United States Patent and Trademark Office

Registered May 22, 2007

**SERVICE MARK
PRINCIPAL REGISTER**



BACKCOUNTRY.COM (UTAH CORPORATION)
1678 WEST REDSTONE CENTER DRIVE
SUITE 210
PARK CITY, UT 84098

FOR: RETAIL STORE SERVICES, MAIL ORDER SERVICES, AND COMPUTERIZED ON-LINE RETAIL STORE SERVICES FEATURING MEN'S AND WOMEN'S CLOTHING, HEADWEAR, FOOTWEAR, OUTERWEAR, EYEWEAR, HEART RATE MONITORS, ALTIMETERS AND ACCESSORIES, TOTE BAGS, SKI AND SNOWBOARD EQUIPMENT, SNOWSHOES, AVALANCHE SAFETY, AND OTHER WINTER ACCESSORIES, KAYAKS, CANOES, PADDLES AND RELATED ACCESSORIES, CAMPING, HIKING AND MOUNTAIN CLIMBING EQUIPMENT, FOOD AND HIKING ACCESSORIES, LUGGAGE, LUGGAGE AND EQUIPMENT CAR RACKS AND RELATED ACCESSORIES; DISSEMINATION OF ADVERTISING FOR OTHERS VIA AN ON-LINE

ELECTRONIC COMMUNICATION NETWORK; AND PROMOTING THE GOODS AND SERVICES OF OTHERS BY PREPARING AND PLACING ADVERTISEMENTS ON A WEB SITE ACCESS THROUGH A GLOBAL COMPUTER NETWORK, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-0-2004; IN COMMERCE 6-0-2004.

OWNER OF U.S. REG. NOS. 2,380,773 AND 2,895,548.

THE MARK CONSISTS OF THE IMAGE OF A GOAT TO THE LEFT OF THE WORD "BACKCOUNTRY.COM".

SER. NO. 78-490,064, FILED 9-27-2004.

VERNA BETH RIRIE, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

BACKCOUNTRY.COM

Reg. No. 4,788,204

Registered Aug. 11, 2015

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

BACKCOUNTRY.COM, INC. (UTAH CORPORATION)
1678 WEST REDSTONE CENTER DRIVE
PARK CITY, UT 84098

FOR: RETAIL STORE SERVICES, MAIL ORDER SERVICES, AND COMPUTERIZED ON-LINE RETAIL STORE SERVICES FEATURING MEN'S AND WOMEN'S CLOTHING, HEADWEAR, FOOTWEAR, OUTERWEAR, EYEWEAR, HEART RATE MONITORS, ALTIMETERS AND ACCESSORIES, TOTE BAGS, SKI AND SNOWBOARD EQUIPMENT, SNOWSHOES, AVALANCHE SAFETY, AND OTHER WINTER ACCESSORIES, KAYAKS, CANOES, PADDLES AND RELATED ACCESSORIES, CAMPING, HIKING AND MOUNTAIN CLIMBING EQUIPMENT, FOOD AND HIKING ACCESSORIES, LUGGAGE, LUGGAGE AND EQUIPMENT CAR RACKS AND RELATED ACCESSORIES; DISSEMINATION OF ADVERTISING FOR OTHERS VIA AN ON-LINE ELECTRONIC COMMUNICATION NETWORK; AND PROMOTING THE GOODS AND SERVICES OF OTHERS BY PREPARING AND PLACING ADVERTISEMENTS ON A WEB SITE ACCESS THROUGH A GLOBAL COMPUTER NETWORK, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-0-2004; IN COMMERCE 6-0-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,219,427 AND 3,243,545.

SER. NO. 86-138,617, FILED 12-9-2013.

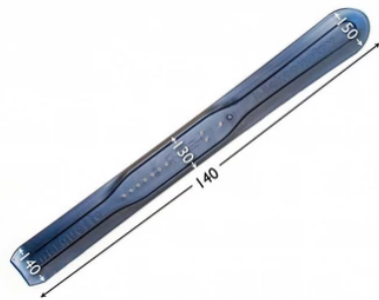
MICHAEL KEATING, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

Exhibit B

[Home](#) [Backcountry Ski](#) [Jug Smuggler](#) [Sale](#)

Marquette Backcountry Ski

\$189.00

Quantity

1

ADD TO CART

Part snowshoe and part ski, the marquette backcountry ski gives you unprecedented winter access and fun. Climb up and slide down snow covered terrain.

Product weight is 9.25 lbs (4200 g) per pair. Each ski is 140cm L x 150mm W – check out the picture above for exact measurements.



SHARE

TWEET

PIN IT



TOOLS FOR EPIC ADVENTURE



Jug Smuggler

\$49.95

Quantity

1

ADD TO CART

The best way to carry up to a gallon water on your motorcycle tour.

SHARE

TWEET

PIN IT





2 Jug Smugglers

~~\$99.90~~ **\$89.90 Sale**

1

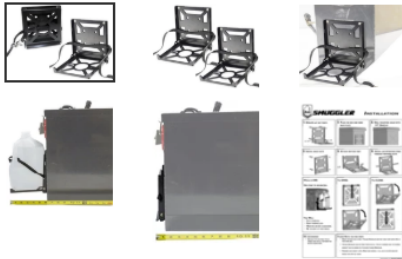
ADD TO CART

You guessed it... 2 jug smugglers at reduced price.

SHARE

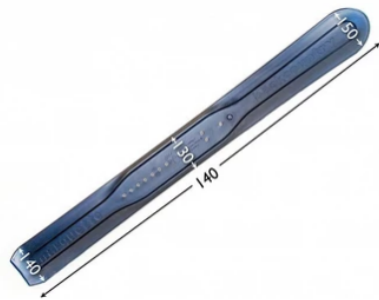
TWEET

PIN IT



[Customer Service](#) [Privacy](#) [Terms and Conditions](#) [Log in](#)

© 2019, Snapperhead Inventions LLC Powered by Shopify

[Home](#) [Backcountry Ski](#) [Jug Smuggler](#) [Sale](#)

Marquette Backcountry Ski

\$189.00

Quantity

1

ADD TO CART

Part snowshoe and part ski, the marquette backcountry ski gives you unprecedented winter access and fun. Climb up and slide down snow covered terrain.

Product weight is 9.25 lbs (4200 g) per pair. Each ski is 140cm L x 150mm W – check out the picture above for exact measurements.



SHARE

TWEET

PIN IT



TOOLS FOR EPIC ADVENTURE



Jug Smuggler

\$49.95

Quantity

1

ADD TO CART

The best way to carry up to a gallon water on your motorcycle tour.

SHARE

TWEET

PIN IT





2 Jug Smugglers

~~\$99.90~~ **\$89.90 Sale**

1

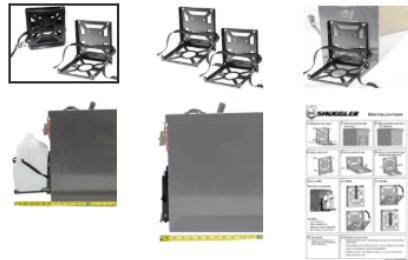
ADD TO CART

You guessed it... 2 jug smugglers at reduced price.

SHARE

TWEET

PIN IT



[Customer Service](#) [Privacy](#) [Terms and Conditions](#) [Log in](#)

© 2019, Snapperhead Inventions LLC Powered by Shopify